

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

**IN RE: JOHNSON & JOHNSON
TALCUM POWDER PRODUCTS
MARKETING, SALES
PRACTICES, AND PRODUCTS
LIABILITY LITIGATION**

MDL NO. 16-2738 (MAS) (RLS)

THIS DOCUMENT RELATES TO ALL CASES

CERTIFICATION OF P. LEIGH O'DELL, ESQ.

P. Leigh O'Dell, ESQ., hereby certifies as follows:

1. I am an attorney at law and member of the law firm of Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. I was appointed as Plaintiffs' Co-Lead Counsel to represent all Plaintiffs. I submit this Certification based on personal knowledge in support of Plaintiffs' Steering Committee's Opposition to Defendants' Motion to Exclude Plaintiffs' Experts' Asbestos-Related Opinions.

2. Attached hereto as Exhibit 1 is a true and correct copy of *White Paper: IWGACP Scientific Opinions on Testing Methods for Asbestos in Cosmetic Products Containing Talc* (Dec. 2021), pg. 111.

3. Attached hereto as Exhibit 2 is a true and correct copy of J&J Memo from D. R. Petterson to D. D. Johnson (Apr. 26, 1973).

4. Attached hereto as Exhibit 3 is a true and correct copy of Hopkins Exhibit 28 (chart of Samples with asbestos).

5. Attached hereto as Exhibit 4 is a true and correct copy of the Curriculum Vitae of William Edward Longo, Ph.D., dated March 12, 2020.

6. Attached hereto as Exhibit 5 is a true and correct copy of the Deposition of William E. Longo, Ph.D, dated February 5, 2019.

7. Attached hereto as Exhibit 6 is a true and correct copy of Joan E. Steffen, et al., *Serous Ovarian Cancer Caused by Exposure to Asbestos and Fibrous Talc in Cosmetic Talc Powders—A Case Series*, J. Occup. and Environ. Med., Feb. 2020, 62(2) at e73.

8. Attached hereto as Exhibit 7 is a true and correct copy of the Daubert hearing transcript of William Longo, dated July 24, 2019.

9. Attached hereto as Exhibit 8 is a true and correct copy of the hearing transcript, “Examining Carcinogens in Talc and the Best Methods for Asbestos Detection”, Subcommittee on Economic and Consumer Policy (Committee on Oversight and Reform), dated December 10, 2019.

10. Attached hereto as Exhibit 9 is a true and correct copy of Longo and MAS Admissions Spreadsheet, dated March 27, 2019.

11. Attached hereto as Exhibit 10 is a true and correct copy of the *Herford* hearing transcript, dated September 27, 2017.

12. Attached hereto as Exhibit 11 is a true and correct copy of the *Lanzo* hearing transcript, dated December 22, 2017.

13. Attached hereto as Exhibit 12 is a true and correct copy of the *Anderson* trial transcript, dated May 15, 2018.

14. Attached hereto as Exhibit 13 is a true and correct copy of the *Boyd-Bostick* hearing transcript, dated May 11, 2018.

15. Attached hereto as Exhibit 14 is a true and correct copy of the *Ingham* trial transcript Vol. 6A, June 7, 2018.

16. Attached hereto as Exhibit 15 is a true and correct copy of the *Ingham* Motion Hearing transcript, dated May 29, 2018.

17. Attached hereto as Exhibit 16 is a true and correct copy of the *Henry* Motion Hearing transcript, dated September 14, 2018.

18. Attached hereto as Exhibit 17 is a true and correct copy of the *Allen* trial transcript, Vol. XVI, dated October 17, 2018.

19. Attached hereto as Exhibit 18 is a true and correct copy of the *Leavitt* trial transcript, dated February 7, 2019.

20. Attached hereto as Exhibit 19 is a true and correct copy of the *Olson* trial transcript, dated February 25, 2019.

21. Attached hereto as Exhibit 20 is a true and correct copy of the *Rimondi* trial transcript, Vol. 1, dated March 5, 2019.

22. Attached hereto as Exhibit 21 is a true and correct copy of the *Schmitz* trial transcript, dated April 30, 2019.

23. Attached hereto as Exhibit 22 is a true and correct copy of the *Sizemore* Pre-trial Motion Hearing transcript, dated May 7, 2019.

24. Attached hereto as Exhibit 24 is a true and correct copy of the *Perry* Pre-trial Hearing transcript, dated July 30, 2024.

25. Attached hereto as Exhibit 25 is a true and correct copy of *Weirwick v. Brenntag North America, et al.*, No. BC656425 (Cal. Super. Ct.), at Exhibit B, p. 27-35. Order dated July 23, 2018.

26. Attached hereto as Exhibit 26 is a true and correct copy of the Second Supplemental Expert Report of William Longo, dated February 1, 2019.

27. Attached hereto as Exhibit 27 is a true and correct copy of the Fourth Supplemental Expert Report of William Longo, dated April 29, 2024.

28. Attached hereto as Exhibit 28 is a true and correct copy of the Third Supplemental Expert Report of William Longo, dated November 17, 2023.

29. Attached hereto as Exhibit 29 is a true and correct copy of the Curriculum Vitae of Mark W. Rigler, PhD.

30. Attached hereto as Exhibit 30 is a true and correct copy of the deposition transcript of Mark W. Rigler (MDL), dated February 6, 2019.

31. Attached hereto as Exhibit 31 is a true and correct copy of the Affidavit of Dr. Mark Rigler, PH.D (*Ingham*), dated May 21, 2018.

32. Attached hereto as Exhibit 32 is a true and correct copy of the Certification of William E. Longo, Ph.D. (*Rimondi*), dated July 3, 2018.

33. Attached hereto as Exhibit 33 is a true and correct copy of the deposition of Paul Hess (MDL), dated July 10, 2024.

34. Attached hereto as Exhibit 34 is a true and correct copy of USGS, Tabulation of Asbestos-Related Terminology (2002).

35. Attached hereto as Exhibit 35 is a true and correct copy of EPA Response to R.J. Lee, dated April 20, 2006.

36. Attached hereto as Exhibit 36 is a true and correct copy of 73 Fed. Reg. 41 (Feb. 29, 2008).

37. Attached hereto as Exhibit 37 is a true and correct copy of J&J Memo “Audit Testing of Windsor 66 Talc for Asbestos,” dated June 28, 1977.

38. Attached hereto as Exhibit 38 is a true and correct copy of “Analysis of Powdered Talc For Asbestiform Minerals by Transmission Electron Microscopy,” dated March 8, 1989.

39. Attached hereto as Exhibit 39 is a true and correct copy of “Analysis of Powdered Talc for Asbestiform Minerals by Transmission Electron Microscopy,” dated March 21, 1995.

40. Attached hereto as Exhibit 40 is a true and correct copy of A. M. Blount, *Amphibole Content of Cosmetic and Pharmaceutical Talcs*, 94 Environ. Health Perspectives 225, 230 (1991).

41. Attached hereto as Exhibit 41 is a true and correct copy of ISO 22262-1, Sampling and Qualitative Determination of Asbestos in Commercial Bulk Materials (2012).

42. Attached hereto as Exhibit 42 is a true and correct copy of the Supplemental Report of William E. Longo and Mark W. Rigler, dated January 15, 2019.

43. Attached hereto as Exhibit 43 is a true and correct copy of SEM Photomicrographs of 1978 JJ Museum Sample.

44. Attached hereto as Exhibit 44 is a true and correct copy of the Memo from R. C. Reynolds, Jr. to Windsor Minerals Inc, dated March 1974.

45. Attached hereto as Exhibit 45 is a true and correct copy of ISO 22262-2, “Air Quality-Bulk Materials-Part 2: Quantitative determination of asbestos by gravimetric and microscopical methods”, dated September 1, 2014.

46. Attached hereto as Exhibit 46 is a true and correct copy of 52 Fed. Reg. 41826, 41839 (Oct. 30, 1987).

47. Attached hereto as Exhibit 47 is a true and correct copy of EPA AHERA, 40 CFR Ch. 1, App’x A to Subpart E of § 763.

48. Attached hereto as Exhibit 48 is a true and correct copy of ASTM D5755-09, “Standard Test Method for Microvacuum Sampling and Indirect Analysis of Dust by Transmission Electron Microscopy for Asbestos Structure Number Surface Loading,” dated April 2014.

49. Attached hereto as Exhibit 49 is a true and correct copy of JNJNL61_000043150-43151.

50. Attached hereto as Exhibit 50 is a true and correct copy of William E. Longo, et al., *Crocidolite Asbestos Fibers in Smoke from Original Kent Cigarettes*, 55 Cancer Research 2232 (1995).

51. Attached hereto as Exhibit 51 is a true and correct copy of William E. Longo, et al., *Fiber release during the removal of asbestos-containing gaskets: a work practice simulation*, 17 Applied Occupational and Environmental Hygiene 55-62 (2002).

52. Attached hereto as Exhibit 52 is a true and correct copy of William M. Ewing, et al., *Zonolite Attic Insulation Exposure Studies*, 16 Int. J. Occup. Environ. Health 279 (2010).

53. Attached hereto as Exhibit 53 is a true and correct copy of William E. Longo and Victor Roggli, *Mineral Fiber Content of Lung Tissue in Patients with Environmental Exposures: Household Contacts vs. Building Occupants*, The Third

Wave of Asbestos Disease: Exposure to Asbestos in Place, Annals of The New York Academy of Sciences, Vol. 643.

54. Attached hereto as Exhibit 54 is a true and correct copy of James Millette, *Procedure for the Analysis of Talc for Asbestos*, 61 The Microscope 1, at 16 (2015).

55. Attached hereto as Exhibit 55 is a true and correct copy of Longo-MDL_00324.

56. Attached hereto as Exhibit 56 is a true and correct copy of the Deposition of Melinda Dyar, Ph.D., dated April 2, 2019.

57. Attached hereto as Exhibit 57 is a true and correct copy of Longo-MDL_00878.

58. Attached hereto as Exhibit 58 is a true and correct copy of Longo-MDL_00325.

59. Attached hereto as Exhibit 59 is a true and correct copy of JNJNL61_000043153.

60. Attached hereto as Exhibit 60 is a true and correct copy of Evaluation of EPA's Analytical Data from the El Dorado Hills Asbestos Evaluation Project" (Apr. 20, 2006).

61. Attached hereto as Exhibit 61 is a true and correct copy of the Expert Report of Ann G. Wylie, dated May 3, 2024.

62. Attached hereto as Exhibit 62 is a true and correct copy of Dr. Shu-Chun Su, “The Dispersion Staining Technique and its Application to Measuring Refractive Indices of Non-opaque Materials, with Emphasis on Asbestos Analysis,” *The Microscope* (2022), pg. 51.

63. Attached hereto as Exhibit 63 is a true and correct copy of EPA R-93-600 Test Method for the Determination of Asbestos in Bulk Building Materials, dated July 1993.

64. Attached hereto as Exhibit 64 is a true and correct copy of NIST 1866b SRM, dated January 9, 2007.

65. Attached hereto as Exhibit 65 is a true and correct copy of the deposition transcript of Shu-Chun Su, dated July 11, 2024.

66. Attached hereto as Exhibit 66 is a true and correct copy of the Colorado School of Mines Report, dated December 27, 1973.

67. Attached hereto as Exhibit 67 is a true and correct copy of the transcript of William Longo (*Clark*), dated May 29, 2024.

68. Attached hereto as Exhibit 68 is a true and correct copy of the deposition transcript of Mickey E. Gunter, PhD (*Woods*), dated September 6, 2022.

69. Attached hereto as Exhibit 69 is a true and correct copy of the deposition of William Longo (MDL), dated May 2, 2024.

70. Attached hereto as Exhibit 70 is a true and correct copy of Memo from R. C. Reynolds, Jr. to Windsor Minerals Inc. (Mar. 1974).

71. Attached hereto as Exhibit 71 is a true and correct copy of the deposition transcript of Ann G. Wylie (MDL), dated June 24, 2024.

72. Attached hereto as Exhibit 72 is a true and correct copy of the Expert Report of Shu-Chun Su, dated May 21, 2021.

73. Attached hereto as Exhibit 73 is a true and correct copy of the deposition transcript of Shu-Chun Su, dated July 18, 2024.

74. Attached hereto as Exhibit 74 is a true and correct copy of AMA Analytical Services, Inc. Certificate of Analysis.

75. Attached hereto as Exhibit 75 is a true and correct copy of the deposition of William Longo, Vol. 3 (Excerpt), dated October 3, 2022.

76. Attached hereto as Exhibit 76 is a true and correct copy of the Expert Report of William E. Longo, (*Valdez*), dated February 28, 2023.

77. Attached hereto as Exhibit 77a is a true and correct copy of the Supplemental Expert Report of William E. Longo, dated October 9, 2023.

78. Attached hereto as Exhibit 77b is a true and correct copy of the Supplemental Expert Report of William E. Longo, dated October 9, 2023.

79. Attached hereto as Exhibit 78 is a true and correct copy of the Deposition transcript of William E. Longo, dated November 3, 2023.

80. Attached hereto as Exhibit 79 is a true and correct copy of the deposition of William E. Longo, dated October 23, 2023.

81. Attached hereto as Exhibit 80 is a true and correct copy of the Expert Report of Matthew Sanchez, PhD, dated March 26, 2024.

82. Attached hereto as Exhibit 81 is a true and correct copy of the Expert Report of William E. Longo, PhD., dated October 19, 2023.

83. Attached hereto as Exhibit 82 is a true and correct copy of IARC (2012) Monograph 100C Asbestos (2012).

84. Attached hereto as Exhibit 83 is a true and correct copy of IARC Monographs Volume 136, Questions & Answers (Q&A).

85. Attached hereto as Exhibit 84 is a true and correct copy of Environmental Protection Agency, Fed. Reg. Vol. 89, No. 61 (March 28, 2024), Rules and Regulations.

86. Attached hereto as Exhibit 85 is a true and correct copy of WORKPLACE EXPOSURE TO ASBESTOS Review and Recommendations,” DHHS (NIOSH) Publication No. 81-103, (November 1980).

87. Attached hereto as Exhibit 86 is a true and correct copy of the trial transcript of Dr. John Hopkins in *Barden v. Brenntag North America, et. al*, MID-L-0932-17AS, July 22, 2019.

88. Attached hereto as Exhibit 87 is a true and correct copy of Asbestos & Talc Fiber Exposure Tables 1960s to 2000s - JBP & S2S.

89. Attached hereto as Exhibit 88 is a true and correct copy of the Expert Report of William E. Longo (MDL), dated May 2, 2024.

90. Attached hereto as Exhibit 89 is a true and correct copy of M. Constanza Camargo, et al., *Occupational Exposure to Asbestos and Ovarian Cancer: A Meta-Analysis*, Environ. Health Perspectives 119, no. 9 (Sep. 2011).

91. Attached hereto as Exhibit 90 is a true and correct copy of Nowak, et al., *Asbestos Exposure and Ovarian Cancer – a Gynaecological Occupational Disease. Background, Mandatory Notification, Practical Approach*. Geburtsh Frauenheilk 2021.

92. Attached hereto as Exhibit 91 is a true and correct copy of Kim SY et al., *Asbestos Exposure and Ovarian Cancer: A Meta-analysis, Safety and Health at Work*, <https://doi.org/10.1016/j.shaw.2023.11.002>.

93. Attached hereto as Exhibit 92 is a true and correct copy of Turati F., et al. *Occupational Asbestos Exposure and Ovarian Cancer: Updated Systematic Review*. Occup Med (Lond). 2023 Dec 30;73(9):532-540.

94. Attached hereto as Exhibit 93 is a true and correct copy of the Deposition of Mark Krekeler, Ph.D., dated January 25, 2019.

95. Attached hereto as Exhibit 94 is a true and correct copy of the Expert Report of Mark Krekeler, Ph.D., dated November 16, 2018.

96. Attached hereto as Exhibit 95 is a true and correct copy of the transcript of the January 30, 2019, Deposition of Robert Cook, Ph.D.

97. Attached hereto as Exhibit 96 is a true and correct copy of the Expert Report of Robert Cook, Ph.D.

98. Attached hereto as Exhibit 97 is a true and correct copy of Exhibit 20 to the January 30, 2019, Deposition of Robert Cook, Ph.D.

99. Attached hereto as Exhibit 98 is a true and correct copy of IMERYS 441340.

100. Attached hereto as Exhibit 99 is a true and correct copy of IMERYS 427326.

101. Attached hereto as Exhibit 100 is a true and correct copy of IMERYS 427419.

102. Attached hereto as Exhibit 101 is a true and correct copy of IMERYS IMERYS 436951.

103. Attached hereto as Exhibit 102 is a true and correct copy of IMERYS IMERYS 427428.

104. Attached hereto as Exhibit 103 is a true and correct copy of IMERYS IMERYS 418940.

105. Attached hereto as Exhibit 104 is a true and correct copy of IMERYYS Pltf_IMERYYS_00057875.

106. Attached hereto as Exhibit 105 is a true and correct copy of IMERYYS IMERYYS 501902.

107. Attached hereto as Exhibit 106 is a true and correct copy of IMERYYS IMERYYS 238270.

108. Attached hereto as Exhibit 107 is a true and correct copy of IMERYYS IMERYYS 425354.

109. Attached hereto as Exhibit 108 is a true and correct copy of IMERYYS IMERYYS 427291.

110. Attached hereto as Exhibit 109 is a true and correct copy of IMERYYS IMERYYS 435992.

111. Attached hereto as Exhibit 110 is a true and correct copy of IMERYYS IMERYYS 436000.

112. Attached hereto as Exhibit 111 is a true and correct copy of MERYYS JNJ 000245002.

113. Attached hereto as Exhibit 112 is a true and correct copy of IMERYYS JNJ 000238826.

114. Attached hereto as Exhibit 113 is a true and correct copy of IMERYYS JNJ 000248023.

115. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I may be subject to punishment.

/s/ P. Leigh O'Dell

P. LEIGH O'DELL

Dated: August 22, 2024